

DISTRICT COURT (FIRST DISTRICT) [273]

Plaintiff index, 1878-1890.

.65 cu. ft. (1 vol.) and 1 microfilm reel

DESCRIPTION:

The territorial PLAINTIFF INDEX records the names of plaintiffs and defendants involved in court actions and provides assigned case numbers, facilitating clerical management of and access to both civil and criminal case files. Carrying the imprint "General Index of Actions, Third Judicial District Court, Ogden, Utah Territory" on the spine, this volume began as an index to cases heard at the Weber County seat. Case numbers 1-47 were assigned. The same volume continued to be used after Weber County was transferred into the First Judicial district in 1880. A new numbering system was instituted for cases 1-2,427, starting over with case 1. Information about most cases is limited to the name of the plaintiff, the name of the defendant, and the case file number.

Civil cases span the entire period (1878-1890) while criminal cases were included in this series until June 1889, when a separate filing arrangement for criminal case files was implemented. The district court is restricted to adjudication of actions involving real property located within the judicial district, those in which the defendant resides in the judicial district, and those involving incidents occurring in the judicial district.

ARRANGEMENT: Index entries are roughly alphabetical by the initial letter of the surname or corporate name of the plaintiff.

RESEARCH NOTE: The case number assigned by the court is essential to locate the desired case file. Researchers should first consult the index to plaintiffs to find the unique case number corresponding to the appropriate case file. Indexing began in 1878 with the practice of assigning a case number as documents initiating the case were filed with the court clerk.

Not all plaintiffs and defendants are indexed. In cases where multiple plaintiffs and/or defendants are listed in the original document initiating the legal action, only one plaintiff and/or defendant name (the first listed) is entered in the index. As criminal cases are considered an offense against the public, the plaintiff may variously be recorded under such general appellations as "People" or "United States." However, when a city is listed as the plaintiff (e.g., Ogden City vs. John Doe), it suggests a civil rather than a criminal matter. The large number of criminal case file entries under "United States" (between case numbers 14 and 1375) depleted the available space under "U." Criminal cases numbered between 1376 and 1572 are found under "Z" while those falling between 1579 and 2399 are entered under "Y." A desired case number may also be found using the REGISTERS OF ACTION.

The format of similar entries is not consistent. Articles of incorporation or articles of association are variously indexed under the letter "A" and under the corporate name. Some corporations whose name is preceded by the article "the" may be indexed under "T" or under the first word after "the" in the corporate name. Some entries in habeas corpus cases are indexed under the letter "H" while others are indexed by the name of the individual, and still others appear under "I" for "In the matter of" Entries "In the matter of" include writs of certiorari, mandamus, and prohibition, estates, contempt, admission to the bar, and naturalization.

RELATED RECORDS: The territorial PLAINTIFF INDEX (1878-1890) indexes the CASE FILES (1878-1895) series 1529, filed prior to statehood. The MINUTE BOOKS (1878-1896) series 5062, document proceedings in court cases. The CIVIL CASE INDEX (1878-1916), series 21933, and the CRIMINAL CASE INDEX (1879-1947), series 17463, also cover the later territorial period. The CIVIL AND CRIMINAL REGISTERS OF ACTION (1878-1896), series 17825, provide an alternate way to obtain a desired case number.

CUSTODY HISTORY: The PLAINTIFF INDEX was created and maintained by the clerk appointed by and serving at the pleasure of the judge of the territorial district court. At statehood, the Weber County Clerk was constitutionally designated as ex-officio clerk of the Second District Court in and for Weber County. The county/district court clerk maintained custody of the index until being transferred to the Utah State Archives in 1998.

PROCESSING NOTE: Since 1983, indices have been listed as permanent records in the records retention policy of the Judicial Council. These records were archivally processed by W. Glen Fairclough, Jr., in November 2002. The index was microfilmed for reference use in December 2002.

PREFERRED CITATION: Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

